XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक Cr.M.P No. 129/06 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

SB: HON'BLE SHRI DHIRENDRA MISHRA,J.

APPLICANT — Prashant Dave, S/o Late Shri Durga Shankar, aged about 40 years, R/o Pandri, Raipur, Distt. Raipur (CG)

VERSUS

NON-APPLICANTS

1. Smt. Shakuntla Devi, W/o Late Shri Raval Das Nagrani, aged about 53 years, R/o (present) Near TV Tower, Shanker Nagar, Raipur (CG)
2. The Collector, Raipur, Distt. Raipur (CG)

24-10-2007

Shri Adil Minhaj, Advocate for the petitioner.
Shri G.K. Beriwal, Dy. Adv. General for the respondent No. 2.

2. The petitioner by this petition under Section 482 of Cr.P.C. has prayed for setting aside the order dated 21-3-2006 passed in Criminal Revision No. 63/2006 whereby learned Sessions Judge, Raipur has allowed the revision preferred by respondent No. 1 and set aside the order of attachment of the disputed property of Annexure A-5 passed by the Sub Divisional Officer, Raipur dated 7-2-2006.

3. Learned counsel for the petitioner submits that the Sub Divisional Officer after calling report from the concerned police station and after recording satisfaction that there is a dispute between the parties with respect to the possession of the disputed shop, which may cause breach of peace, passed the order of attachment under Section 146(1) of Cr.P.C. however learned Sessions Judge has set aside the order of attachment only on the ground that

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

in the civil suit filed by the petitioner, his application for grant of temporary injunction has been rejected. It was contended that the pendency of the civil suit and refusal of temporary injunction can not be a ground to set aside the order of attachment in a proceeding under Section 145 of the Cr.P.C.

4. I have heard learned counsel for the petitioner. I have perused the impugned order. Impunged

5. From perusal of the impunged order, it is evident that initially on an application under Section 145 of Cr.P.C. filed by the petitioner, the Sub Divisional Officer directed the parties to maintain status quo with respect to possession of the disputed property and thereafter the petitioner filed the civil suit and prayed for temporary injunction, which was rejected by the Court after hearing the parties. After being unsuccessful in obtaining temporary injunction from Civil Court, an application for attachment was filed and thereafter the order of attachment was passed by the Sub Divisional Officer.

6. Learned Sessions Judge considering the above facts and after appreciating the arguments advanced by the respective parties passed a well reasoned order. There is no illegality, infirmity or jurisdictional error committed by the Sessions Judge, which calls for interference in exercise of jursidction vested to this Court under Section 482 of Cr.P.C.

7. The petition is dismissed.

Sd/-
Dhirendra Mishra
Judge

[पीछे देखिये

P.J.